

**Town of Lyme
July 8, 2009
Regular Monthly Meeting
6:30 P.M.**

Supervisor Aubertine called tonight's meeting to order at 6:30 p.m.

Present At Tonight's Meeting: Supervisor Aubertine, Councilmen Countryman, Schreib, Johnson and Madill, Superintendent Tom Parker, Bookkeeper Tom Bowie, Assessor's Roz Gotham, Marsha Barton, and Sandy Cornell, ZBA Member Harry Staudenmayer, Deputy ZEO Jim Millington, Planning Board Member Boo Harris, Gregor Smith of Bernier and Carr and approximately 20 others.

Supervisor's Report

RESOLUTION 2009 - 101: Motion by Councilman Madill and seconded by Councilman Schreib accepting the June 2009 Supervisor's Report as presented by Tom Bowie. Five ayes. Motion carried.

Privilege of the Floor

County Legislator Bob Thomas – Jefferson County Highway Superintendent Jim Lawrence has conferred with Mr. Thomas and Highway Superintendent Tom Parker regarding the two road issues on County Route 125 concerning the areas in front of the Young and Strejlau properties. They have all agreed that the concerns of the residents will be addressed by the County Highway Department.

There is hope that there will be money available for Chaumont Bay through a Coastal Bill the Assembly and Senate are working on.

Mr. Thomas will go back to the DEC to hopefully help find a solution for the current fishing – parking problem the Town is facing during the winter months.

Gregor Smith – Bernier and Carr – Briefly explained the possible phases of the Point Salubrious Water District formation. A copy of the Point Salubrious Water District Study – BC&A Project No. 2009 - 017 has been added to the Minutes. See Attachment A – 7/8/09.

Councilman Madill had some concerns with the existing water line within the Village. It was established in 1958 and consists of a six-inch asbestos pipeline. If the new water district for Point Salubrious would tie into the existing antiquated Village system it would only be a matter of time before they would experience some severe problems, which would end up costing the Village residents and users along the newly established water line more money for construction and repairs, in the long run.

Gregor indicated that Bernier and Carr had received responses from all involved agencies concerning Part I of the SEQR process and the Town Board can now proceed with Part II of the process.

As the next step, the whole project will need to be taken to Rural Development and they will be the deciding factor.

Tonight the Town Board should proceed by completing Part II of the SEQR process and speak to Mark Gebo regarding a Public Hearing. Once the SEQR is complete the Public Hearing will be the next step.

If the Village were to contribute toward any of the debt for this project they must be involved; the Village is not concerned because they already have water.

Julia Gosier – Inquired if the Shared Services Grant had come through. Supervisor Aubertine stated that we have not heard as of yet and there are no guarantees. Julie asked if the Town would continue with the Shared Services agreement if we were not approved for the grant monies? Does the Town feel the Intermunicipal Agreement is equally beneficial for both parties?

Supervisor Aubertine indicated that he felt that the arrangement is working well and that services are equally shared.

Councilman Schreib stated that the arrangement makes us more qualified for other grants that might become available in the future and that the current agreement is mutually beneficial.

Charlie Mount – Stated that the Town has recently discussed the idea of considering local code enforcement, he is strongly urging the Town “not to go down that road”.

Supervisor Aubertine – Stated that the Town Board still has questions on the Code Enforcement Officer situation and we are not ready to proceed with it until some of the information concerning the position can be further researched. This subject will be tabled for another month.

Clerk’s Report

The June 2009 Clerk’s Report was presented to and reviewed by the Town Board.

Audit of Bills

RESOLUTION 2009 -102: Motion by Councilman Madill and seconded by Councilman Countryman approving Abstract # 13 in the amount of \$4,790.29. Five ayes. Motion carried.

RESOLUTION 2009 - 103: Motion by Councilman Johnson and seconded by Councilman Schreib approving Abstract # 14 in the amount of \$55,140.36. Five ayes. Motion carried.

Approval of Minutes

RESOLUTION 2009 - 104: Motion by Councilman Madill and seconded by Councilman Countryman approving the Meeting Minutes of June 10, 2009 making a note that RESOLUTION 2009 –99 (Joint Meeting with the Village of Chaumont on July 15th, 2009) did not take place that evening, the meeting was canceled due to the Village not being able to have a quorum. Five ayes. Motion carried.

Superintendent’s Report

Superintendent Parker submitted his concerns, in writing, regarding Academy Street in Three Mile Bay, pointing out some safety issues and why he feels it should be considered as being designated a one-way street.

The reason for considering the change is partly due to the reconstruction of NYS Route 12E. This intersection, Superintendent Parker feels, is hazardous, due to the fact that there is a “blind spot” caused by the location of buildings on the corner of the intersection. There is a definite concern with the safety of the plow drivers and oncoming traffic coming in from the east and traveling in a westerly direction. This change would make it safer and more viable for the Highway Department and its emergency vehicles.

Councilman Schreib wondered why this has not been addressed before now if it has been a hazard.

Superintendent Parker stated that a resident from Three Mile Bay has approached him with their concerns.

Councilman Countryman has witnessed near misses as well as actual accidents on that corner.

Councilman Madill feels that the traffic will travel through that area faster than they do now once the new road is built. He feels that all the residents of Academy Street should be polled prior to a decision.

Supervisor Aubertine, at the direction of the Town Board, will compose a letter addressing the situation of a one-way street with the residents.

Julia Gosier stated that she has had the opportunity to observe traffic since the Heritage Center has moved to the Grange building. She made reference to the poor visibility when coming off that street and also mentioned that there is not sufficient room for passing a vehicle that may be parked or oncoming.

The discussion went on to address surplus equipment the Highway Department has as part of their inventory. The first piece being a 1973 GMC Van with an 8-cylinder gas engine and the second piece being a 1996 Chevy school bus with no transmission or engine. Superintendent Parker feels that in his opinion the bus and van are worth nothing more than scrap.

Superintendent Parker addressed the concerns regarding the fuel odor problems that have been ongoing over the past few years. Tom stated that the dextron and oil tanks have been moved out of the building; the Department of Health is satisfied. The Town may have to put in a

ventilation shaft to cure the problem completely. With the ventilation shaft unit, when the overhead door opened or went up the fan would come on, this setup should alleviate any more fumes entering the office area of the building.

RESOLUTION 2009 – 105: Motion by Councilman Countryman and seconded by Councilman Schreib approving the 1973 GMC Van and the 1996 Chevy school bus to be considered “scrap” equipment and sold as scrap metal as recommended by the Highway Superintendent. Five ayes. Motion carried.

Superintendent Parker suggested to the Board that he would like to purchase a used 2005 pickup truck that was being sold by the Town of Clayton. He feels the vehicle is in excellent shape; it comes with a V-plow and a small sander. The 99 Dodge that the Highway Department is currently using is literally rusting out around the cab, according to Superintendent Parker. The truck did pass inspection this time but he does not want to continue to put money into this particular vehicle with the problems that are presenting themselves. Superintendent Parker does feel he is in need of a replacement vehicle. There are issues with the steering and he refuses to drive the truck outside the Town. There are also some problems with the muffler, engine and the frame is rusting out. Bob Perkins has worked on the vehicle several times over the past couple of years.

Councilman Schreib feels that the truck will only take about \$1,000.00 to repair and that we should nurse it along until next year.

Councilman Countryman stated that the Town of Clayton is on a four-year rotation schedule and a good used vehicle will become available every two years, we should consider a schedule ourselves.

Councilman Madill stated that the Clayton truck is probably a beautiful deal but we have not budgeted or planned for a new vehicle and we should not jump at the spur of the moment.

Councilman Johnson stated that the personal mileage of the Highway Superintendent’s truck adds to the expense of the Town. He doesn’t feel that the truck should leave the parking lot on evenings or weekends and should NOT be used for personal use. Superintendent Parker remarked that

he did not use the Town pickup truck for personal use and asked where he was seen.

Councilman Madill stated that every Superintendent he knows takes the Highway pickup truck home at the end of the day.

Supervisor Aubertine feels that the Highway Superintendent needs to have his truck with him.

Department Reports

Assessor's Report - Marsha Barton: The Town Board was provided with a copy of the Board of Assessment Review Minutes for 2009 and the final roll totals for 2009.

Municipal Water Board – Marsha Barton:

Old Town Springs Road Water District (#5) – The paperwork is being prepared to put the project out to bid.

Point Salubrious Water District - The Water Board has recommended that the Town Board accept the proposed study with Fire Flows (\$8,100,000.00). DEC has approved the Town of Lyme as lead agency for the proposed Point Salubrious Water District.

Bonding for Water District #5 – If Attorney Gebo has not been working on the bonding for Water District #5, it needs to be done right away. We currently have a bill from Bernier and Carr that needs to be paid, in the amount of \$63,075.30 and we need to file the easements in the County Clerk's Office, which will be several hundred dollars.

Inspection of Water Tower - Liquid Engineering will be doing the inspection and cleaning of the water tower in late July or August.

Ad For Bids to Clean and Paint Outside of Water Tower – We need to advertise for bids to clean and paint outside the tower.

Water Facility – Everything seems to be working smoothly at the Water Facility. Reports are that the facility is being kept clean and in good order.

Tom has secured the electrical box that had been turned off. Pest Control has been contacted to spray.

DEC Water Billing – We are continuing to bill the DEC for the Bachy Marina property and they are not paying. Dave Rush is composing a letter to Senator Aubertine to see if he can help us with the billing matter.

DOT – Three Mile Bay Project – Billy Scarpicchi reports that there have been several water line leaks. The State will pay for any that they are responsible for. Billy has been working on replacing the bolts on hydrants in Water District #2. The Highway Department men are spending quite a bit of time in Three Mile Bay.

Three Mile Bay Cemetery Report – Julia Gosier:

There will be a burial on July 20th. Julia helped the family make the arrangements for a proper foundation under the new stone. She has advised them to re-do the foundation under their other family stone at the same time and they have agreed to do that.

Paul is doing a commendable job keeping the cemetery looking nice. The equipment is all working well.

The Highway construction crew in Three Mile Bay has been very cooperative about entry to the cemetery.

Planning Board Report – Boo Harris:

The Town and Village Planning Boards have been meeting jointly with the County Planning Department, reviewing the Comprehensive Plan's strengths and weaknesses. There has been interest in development in the Village but there is an infrastructure problem prohibiting growth. They are looking into how they might help solve the problem. Planning Board Meetings are held on the third Thursday of every month at 7:00 p.m. for those who may wish to attend their meetings.

Police Report

A written report regarding Police activity for the month of June 2009 was provided to the Town Board for their review.

The radar machine has a problem with the display screen. The unit needs to be shipped back and checked for a possible circuit problem or something faulty in the display.

Youth Committee Report – Charlie Mount:

The summer Youth Program has been very busy. The school is providing lunch for those who would like to take advantage of it, at no cost to the kids.

The Summer Soccer Program has started and attendance is good.

Charlie feels it would be a good idea to have the medical release forms for participation in the Youth programs available on the website.

Linda Adams is doing the swim program again, during the times that the Rec program is in session; she is a certified instructor.

Charlie would like to see the hay be taken off the 12E land so they can begin work on the ball fields.

ZEO Report – Deputy ZEO Officer – Jim Millington:

Report for the Month of June:

Applications	14
Permits	11
Appeals (ZBA)	3
Stop Work Order	1
Site Visits	14

The average turn around time for issued permits from the office of the ZEO's is currently three days. They are holding hours on Tuesdays and Thursdays from 9 a.m. thru 12 p.m.

Mr. Millington remarked that they have not had any complaints from the local builders and they have been complimented on their quick turn-around time.

ZBA Report – Harry Staudenmayer – “Up to their necks in alligators”, nothing to report, and everything has been tabled from their last meeting.

Old Business

RESOLUTION 2009 - 106: Motion by Councilman Countryman and seconded by Councilman Schreib approving the scheduling of a Joint Meeting with the Village on July 15, 2009 at 6:30 p.m. at the Municipal Building. Five ayes. Motion carried.

Sole Appointed Assessor – Correspondence from Attorney Gebo’s office has stated that upon filing of the petition, the Town must hold a Special Election neither less than 60 nor more than 75 days notice from the filing of a petition.

The manner in which this Special Election is established is first to select a date that is within the 60 to 75 day time frame. A notice would then have to go to the Board of Elections and a ballot prepared. Notice should also be published in the official newspaper and posted around town to give people adequate notice. It has always been Mark Gebo’s impression that it is important to get information out on these issues so that people know on what they are being asked to vote. The Board can consider how they wish to inform the public on this issue.

Like many elections, it is more likely that the people who are against something vote than the people who are for something. The educational aspect of this is a way to make sure both sides have an opportunity to express their opinion on the ballot.

When a date and a time for voting has been selected, it should be noted that the polls must remain open for a minimum of six hours. The Town may wish to keep them open longer than that. The Town Board must also designate the place where the voting will take place. The Town would have to establish a time period and have election inspectors present and people who can check people in as registered voters. Typically, hours for

something like this will run from something like Noon to 8 p.m. to give people who work during the day an option to get home and vote.

The Town cannot hold a Primary in September if the time period does not fall in the legal time frame, according to the Board of Elections.

If the petition is withdrawn, could it be put on the November ballot? The Town Board will concur with Attorney Gebo on the matter.

Correspondence

RESOLUTION 2009 - 107: Motion by Councilman Countryman and seconded by Councilman Schreib accepting the request from Walt Putnam for the use of the Morris Track Ball Field for the Willie Putnam Baseball Tournament that will be held on July 17th, 18th, and 19th, 2009. The starting times for the games will be Friday at 6 p.m., Saturday at 9 a.m. and Sunday at noon. Five ayes. Motion carried.

RESOLUTION 2009 - 108: Motion by Councilman Schreib and seconded by Councilman Countryman approving the purchase of two bicycles and two helmets for the Willie Putnam Tournament with monies from the Town Development Fund. Mr. Putnam will provide a letter of request to the Town Board. Five ayes. Motion carried.

Life In A Wind Farm – Presentation, Wednesday July 15, 2009 at 7:00 p.m. at the Thousand Islands High School, 8481 County Route 9, Clayton, New York – Free admission. The presentation will explain what it is like to live in an industrial wind farm. Residents in Northern New York will have the opportunity to hear first hand from both leaseholders and non-leaseholders speaking about the pluses and minuses to living in a wind farm.

NYS Government Finance Officers' Association – Annual conferences calendar and seminar rates for 2009. They have offered several dates and locations throughout NYS for the remainder of 2009.

Ontario Bay Initiative – Tuesday, August 18, 2009, annual cookout and get together. Details available at www.obilandtrust.org.

Local Government Conference – Tuesday, October 13, 2009, Kellas Hall, SUNY Potsdam.

Privilege of the Floor

Guy Gosier – March 31st through April 14th of this year, 2009 there was no Moratorium in place for the wind issues at hand in the Town of Lyme. During that time Mr. Gosier had submitted a Zoning application along with his \$30.00 permit application fee to install solar panels on his home and also erect a 40' tall personal wind turbine. Mr. Gosier is looking for some direction from the Town Board as to how to process in this matter.

Tonight's Town Board indicated to Mr. Gosier that there is no Local Zoning Law regarding solar panels and that his Zoning Permit Application will still be in effect until the Moratorium is lifted.

Don Metzger – Recently attended a Cape Vincent Planning Board meeting and was interested in finding out whether or not the Board received his written comments regarding the Environmental Impact Statement. As Mr. Metzger started to introduce himself at the Cape Vincent meeting he was given a long lecture as to what he could say during privilege of the floor. He stated that he was aware of the rules and had intended to follow them. He was told that the comments from the citizens of Lyme and Cape Vincent were taken to Albany by their attorney and put on a CD and they would be available sometime in the future. Shortly after the meeting Mr. Metzger ran into Peter Zedick, and he stated that he owes him a debt of gratitude; Peter has taken it upon himself to take all of the comments from all the Public Hearings and all the written documents and place them on his website at stlawrencewind.com. Mr. Metzger got the impression that the information will be available soon. It will be interesting to see what the citizens are saying. He had no input from the Cape Vincent Planning Board but he does have a debt of gratitude for Saint Lawrence Wind.

RESOLUTION 2009 - 109: Motion by Supervisor Aubertine and seconded by Councilman Schreib moving the Town Board into Executive Session at 9:10 p.m. in order to discuss the Sole appointed Assessor dilemma and possible litigation. Five ayes. Motion carried.

A Motion was made by Councilman Schreb and seconded by Councilman Countryman returning to open session for tonight's meeting at 10:00 p.m. Five ayes. Motion carried.

RESOLUTION 2009 - 110: Motion by Supervisor Aubertine and seconded by Councilman Countryman appointing a subcommittee of Councilman Norm Schreib, Mike Callahan and Harry Staudenmayer to rework the Zoning Laws that are applicable to trailers and a 30 day maximum seasonal residency; part and parcel of Section 750. Five ayes. Motion carried.

RESOLUTION 2009 - 111: Motion by Councilman Schreib and seconded by Councilman Johnson accepting the second part of the SEQR concerning the Point Salubrious Water District Development as presented and modified through tonight's discussion. Supervisor Aubertine will sign the amended changes as recommended. Five ayes. Motion carried.

A Motion was made by Councilman Countryman to adjourn tonight's meeting at 10:15 p.m.

Minutes of This Meeting Are Respectfully Submitted by,

**Kim Wallace
Lyme Town Clerk**